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FROM-BEUSSE BROWNLEE ET AL

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T-380 P.01/04 F-803

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Henry Wang

Group Art Unit: 3724

Serial No. 10/051,556

Examiner: Flores Sanchez, Omar

Filed: 01/17/2002

Title: STRADDLE SAFETY PUSHER SYSTEM

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being transmitted by facsimile transmission to the US Patent & Trademark Office Technology Center 3700, fax number 703-872-9306 on the date shown below:

REQUEST TO RECONSIDER REPLY UNDER 37 CFR 1.116 and
TELEPHONE INTERVIEW SUMMARY (3 pages)

David G. Maire

7/26/2005

David G. Maire, Reg. No. 34,865

Date

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REQUEST TO RECONSIDER REPLY UNDER 37 CFR 1.116
and
TELEPHONE INTERVIEW SUMMARY

This paper is in ongoing response to the final rejection contained in the Office Communication mailed 06/15/2005, and also in particular to the Advisory Action mailed on 07/07/2005 wherein the Examiner refused to enter the amendment submitted on 20 June 2005 under 37 CFR 1.116. A record of a teleconference between the Examiner and the undersigned attorney in this regard is also included, beginning on the next page.

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10/051,566

RECORD OF TELEPHONE CONFERENCE

Examiner Omar Flores Sanchez returned the call of the undersigned attorney on July 19, 2005.

No exhibit was shown and no demonstration was conducted.

The undersigned attorney had initiated this communication upon receiving the Advisory Action mailed on 07/07/2005 wherein the Examiner refused to enter the amendment after final rejection under 37 CFR 1.116 submitted on 20 June 2005. The reason for non-entry of the amendment after final rejection was stated in the Advisory Action as being because "The amendment of claim 18, 'a handle moveably attached to the structure...', is a new issue that requires further consideration." The undersigned attorney noted that similar limitations are already included in allowed claims 1, 22 and 23, and therefore, it would appear that the reason given in the Advisory Action for non-entry of the amendment is in error.

The Examiner then stated that the reason for non-entry of the amendment after final is that the proposed amended claim 18 is broad enough to read on an apparatus with only two legs and a moveable handle, whereas allowed claim 1 is limited to an apparatus with three legs and a moveable handle, thus requiring "further consideration" for claim 18.

In response, the undersigned attorney noted that allowed claims 22 and 23 are broad enough to read on an apparatus with only two legs and a moveable handle. The Examiner agreed and stated that he would discuss the position of the Advisory Action with his Supervisory Patent Examiner for possible reconsideration and would call the undersigned attorney with the results of that discussion. (The undersigned attorney, as of this date, has received no such call.)

The undersigned attorney again expressed the applicant's desire to move this application to issue as soon as possible in order to ensure that a patent will issue before the important fall marketing season, and he requested the Examiner's prompt attention to this matter.

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